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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,453	03/15/2004	Yo Matsutani	44471/298561	1214

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EXAMINER

BOES, TERENCE

ART UNIT

PAPER NUMBER

3682

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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/800,453	Applicant(s) MATSUTANI, YO	
	Examiner Terence Boes	Art Unit 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>03/15/2004</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "base" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Matsuno et al. (US 6,568,295).

Matsuno et al. disclose:

Regarding claim 1,

- a cross-car-beam (see structure through which bolts b extend in figure 1);
- a shift lever (3) supported by the cross-car-beam
- a fitting (5, 6) fixing shift lever to the cross-car-beam
- a base (11) for inserting the shift lever therein
- a first wall (6) fixed to the cross-car-beam (first wall is fixed to cross car beam via 5)
- a second wall (6) extending from the base transversely of the first wall and fixed to the cross-car-beam

3. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Rhodes et al. (US 3,465,559).

Rhodes et al. disclose:

Regarding claim 1,

- a cross-car-beam (10);

- a shift lever (24) supported by the cross-car-beam
- a fitting (28) fixing shift lever to the cross-car-beam
- a base (portion of 10 between 36 and 38, or 20) for inserting the shift lever therein
- a first wall (32) fixed to the cross-car-beam
- a second wall (38) extending from the base transversely of the first wall and fixed to the cross-car-beam

Regarding claim 2,

- wherein the cross-car-beam includes a support (see figure 5, because cross car beam includes mounting holes with screws, that portion is considered to be a support)
- a first fitting wall (see portion of 10 fitted with 32) fitted with the first wall
- a second fitting wall (see portion of 10 fitted with 38) fitted with the second wall.

Regarding claim 3,

- a third wall (40) extending from the first wall and
- a fourth wall (34) interconnecting the second wall and the third wall and extending side-by-side with the third wall
- wherein the first wall and the fourth wall define elongated holes (see figure 3, 42, 44, 46)
- wherein the shift lever comprises a device (see figure 5, 86) enclosed by the first wall, second wall and the base

- wherein the device comprises a shaft (58) inserted in the elongated holes.

Regarding claim 4

- wherein the shaft is slidable in the elongated holes (the shaft is capable of being slid in the elongated holes)

Regarding claim 5,

- wherein the shaft is fitted in ends of elongated holes (see figure 7B, 58 in driving position P)
- wherein the elongated holes have remains (see periodic protrusions in holes) to prevent the shaft from being inserted

Regarding claim 6,

- wherein the first wall, the second wall, and the base are integrated with each other (because they are either formed from the same part or are bolted together they are considered integral).

Regarding claim 7,

- wherein the cross-car-beam comprises a rib (12 or 14) along a circumference thereon
- wherein the rib has the support thereon (the support is integral with both ribs 12, and 14 and is therefore considered to be "thereon" as claimed)

Regarding claim 8,

- a cross-car-beam (10) extending in a vehicle transverse direction and including a support (see figure 5, because cross car beam includes mounting holes with screws, that portion is considered to be a support)

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- a shift lever (24) fixed to the support by a fitting (28)
- wherein the fitting comprises:
  - a longitudinal wall (32) extending in a vehicle longitudinal direction
  - a transverse wall (38) extending in the vehicle transverse direction
  - a connecting wall (portion of 10 between 36 and 38, or 20) interconnecting the longitudinal wall and the transverse wall
- wherein the support comprises:
  - a longitudinal fitting wall (see figure 5, longitudinal portion of 36) opposed to the longitudinal wall; and
  - a transverse fitting wall (16) opposed to the transverse wall
- wherein the longitudinal wall and the transverse wall are fixed to the support (see screws in figure 5)

Regarding claim 9,

- a rear wall (40) continuous with a rear end of the longitudinal wall
- a side wall (34) continuous with an inner side end of the transverse wall in the vehicle transverse direction and being opposed to the longitudinal wall
- wherein the shift lever comprises a device body (74) positioned in an inside enclosed by the longitudinal wall, the transverse wall, and the connecting wall
- wherein the longitudinal wall and the side wall of the connecting wall define elongated holes (42, 44, 46, also see holes through which shaft 48 extends) extending in the vehicle longitudinal direction

- wherein the device body has fitting shafts (48, 58) protruding therefrom in the vehicle transverse direction
- wherein the fitting shafts are fitted in the elongated holes, fixing the device body to the fitting

Regarding claim 10,

- wherein the elongated holes have the rear ends with a width substantially identical to sizes of the fitting shafts (see figure 4)
- wherein the elongated holes have front sides in front of the rear ends in the vehicle longitudinal direction (see figure 4)
- the front sides are narrower in width than the rear ends (see figure 4)
- wherein the fitting shafts are fitted in the rear ends of the: elongated holes (see figure 4)

Regarding claim 11

- wherein the longitudinal wall, the transverse wall, and the connecting wall are integrated with each other (because they function together, they are considered integrated)

Regarding claim 12,

- wherein the cross-car-beam comprises a rib (12 or 14) in a circumferential direction
  - Merriam-Webster's Collegiate Dictionary defines circumference as:  
the external boundary or surface of a figure or object



- wherein the support is provided on the rib (the support is integral with both ribs 12, and 14 and is therefore considered to be "thereon" as claimed).

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terence Boes whose telephone number is (571) 272-4898. The examiner can normally be reached on Monday - Friday 9:00 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on (571) 272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TB  
8/22/06

  
RICHARD RIDLEY  
SUPERVISORY PATENT EXAMINER